

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Energy and Environmental Affairs, to which was referred House Bill No. 1398, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 5-22-5-8, AS AMENDED BY P.L.6-2005,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: Sec. 8. (a) This section does not apply to a political
- 5 subdivision, **except a school corporation (as defined in**
- 6 **IC 20-18-2-16(a)).**
- 7 (b) As used in this section, "blended biodiesel" has the meaning set
- 8 forth in IC 6-3.1-27-2.
- 9 (c) **As used in this section, "diesel fueled vehicle" refers to a**
- 10 **vehicle that is capable of using diesel to fuel its primary motor.**
- 11 ~~(c)~~ (d) As used in this section, "ethanol" means agriculturally
- 12 derived ethyl alcohol.
- 13 ~~(d) As used in this section, "gasohol" means gasoline that contains:~~
- 14 ~~(1) at least ten percent (10%) ethanol; or~~
- 15 ~~(2) ethyl tertiary butyl ether (ETBE) additives derived from~~
- 16 ~~ethanol.~~
- 17 (e) As used in this section, "gasoline fueled vehicle" refers to a
- 18 vehicle that is capable of using gasoline to fuel its primary motor.
- 19 (f) As used in this section, "vehicle" includes the following:
- 20 (1) An automobile.

1 (2) A truck.

2 (3) A tractor.

3 (g) Except as provided by subsection (i), a governmental body shall
4 whenever possible purchase ~~gasohol~~ **ethanol blended fuel (as defined**
5 **in IC 6-2.5-7-1(t))** to fuel the gasoline fueled vehicles owned or
6 operated by the governmental body.

7 (h) Except as provided by subsection (i), a governmental body shall
8 whenever possible purchase blended biodiesel fuel to fuel the diesel
9 fueled vehicles owned or operated by the governmental body.

10 (i) The following vehicles are exempt from the requirements of
11 subsections (g) and (h):

12 (1) A vehicle that is leased by the governmental body for thirty
13 (30) days or less.

14 (2) A vehicle whose official operating manual, as issued by the
15 manufacturer of the vehicle, contains a statement that the use of
16 ~~gasohol~~ **ethanol blended fuel (as defined in IC 6-2.5-7-1(t))** or
17 blended biodiesel fuel will damage the engine of the vehicle.

18 (3) A vehicle that:

19 (A) is primarily powered by an electric motor; or

20 (B) can use only propane, compressed or liquified natural gas,
21 or methanol as its fuel source.".

22 Page 2, delete lines 1 through 23.

23 Page 4, delete lines 3 through 5, begin a new paragraph and insert:

24 **"(t) "Ethanol blended fuel" refers to any blend of gasoline and**
25 **ethanol nominally consisting of less than eighty-five percent (85%)**
26 **gasoline and satisfying either of the following:**

27 **(1) The blend consists of more than ten percent (10%)**
28 **ethanol.**

29 **(2) The blend consists of a percentage of ethanol authorized**
30 **by at least one (1) of the following:**

31 **(A) The Indiana Code.**

32 **(B) The United States Code.**

33 **(C) A waiver granted under Section 211(f) of the federal**
34 **Clean Air Act Amendments of 1977."**

35 Page 6, delete lines 23 through 36, begin a new paragraph and
36 insert:

37 "SECTION 5. IC 6-6-1.1-1008 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1008. (a) If any of the
39 conditions specified in subsection (b) occur, the administrator may seal
40 a gasoline pump, ~~gasohol~~ **ethanol blended fuel** pump, aviation
41 gasoline pump, or marina gasoline pump; impound any vehicle or tank
42 that does not have a sealable pump; and post a sign that states that no

1 transactions involving gasoline or ~~gasohol~~, **ethanol blended fuel**, or
 2 both, can be made at the person's location.

3 (b) The administrator may take the actions specified in subsection
 4 (a) if:

- 5 (1) a licensed distributor becomes delinquent in the payment of
- 6 any amount due under this chapter;
- 7 (2) there is evidence that the revenue of a licensed distributor is
- 8 in jeopardy;
- 9 (3) a distributor is operating without the license required by this
- 10 chapter;
- 11 (4) a licensed distributor is operating without the bond, letter of
- 12 credit, or cash deposit required by this chapter; or
- 13 (5) a person has received gasoline in this state and the gasoline
- 14 tax has not been remitted to the state as required by section 504
- 15 of this chapter.

16 (c) The pumps may be sealed and the sign posted until:

- 17 (1) all reports are filed and the fees, taxes, fines, and penalties
- 18 imposed by this chapter are paid;
- 19 (2) the interest and penalties imposed by IC 6-8.1-10-1 and
- 20 IC 6-8.1-10-2.1 are paid in full;
- 21 (3) the license required by this chapter is obtained; and
- 22 (4) the bond, letter of credit, or cash deposit required by this
- 23 chapter is provided.

24 (d) The administrator may require any person operating under this
 25 chapter to report meter readings that show the amount of fuel dispensed
 26 or used from a metered pump.

27 (e) The administrator may authorize the state police department to
 28 impound any vehicle or tank under subsection (a) on behalf of the
 29 department of state revenue.

30 **(f) As used in this section, "ethanol blended fuel" has the**
 31 **meaning set forth in IC 6-2.5-7-1(t).**

32 SECTION 6. IC 6-6-1.1-1316 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1316. (a) A person:

- 34 (1) who knowingly breaks a seal on a sealed fuel pump without
- 35 authorization; or
- 36 (2) who knowingly fails or refuses to report meter readings under
- 37 section 1008 or section 1110 of this chapter;

38 commits a Class D felony.

39 (b) A person who, without authorization:

- 40 (1) removes;
- 41 (2) alters;
- 42 (3) defaces; or

(4) covers;
 a sign posted by the department that states that no transactions involving gasoline, ~~gasohol~~, **ethanol blended fuel (as defined in IC 6-2.5-7-1(t))**, aviation gasoline, or marina gasoline may be made at a location commits a Class B misdemeanor. However, the offense is a Class D felony if it is committed with the intent to evade the tax imposed by this chapter or to defraud the state.

(c) A dealer or licensed distributor shall notify the department of:

(1) a broken fuel pump seal; or

(2) a removed, altered, defaced, or covered sign that has been posted by the department.

(d) A dealer or licensed distributor that fails to notify the department, as required by subsection (c), within two (2) days after:

(1) a fuel pump seal is broken; or

(2) a sign posted by the department has been removed, altered, defaced, or covered;

commits a Class D felony.

SECTION 7. IC 7.1-1-3-18.5, AS ADDED BY P.L.94-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18.5. (a) "Grocery store" means a store or part of a store that is known generally as:

(1) a supermarket, grocery store, or delicatessen and is primarily engaged in the retail sale of a general food line, which may include:

(A) canned and frozen foods;

(B) fresh fruits and vegetables; and

(C) fresh and prepared meats, fish, and poultry;

(2) subject to subsection (b), a convenience store or food mart and is primarily engaged in:

(A) the retail sale of a line of goods that may include milk, bread, soda, and snacks; or

(B) the retail sale of automotive fuels and the retail sale of a line of goods that may include milk, bread, soda, and snacks;

(3) a warehouse club, superstore, supercenter, or general merchandise store and is primarily engaged in the retail sale of a general line of groceries or gourmet foods in combination with general lines of new merchandise, which may include apparel, furniture, and appliances; or

(4) a specialty or gourmet food store primarily engaged in the retail sale of miscellaneous specialty foods not for immediate consumption and not made on the premises, not including:

(A) meat, fish, and seafood;

(B) fruits and vegetables;

(C) confections, nuts, and popcorn; and

(D) baked goods.

(b) The term includes a convenience store or food mart as described in subsection (a)(2) only if the sale of alcoholic beverages on the premises of the convenient store or food mart represents a percentage of annual gross sales of twenty-five percent (25%) or less of all items sold on the premises, excluding gasoline and automotive oil products.

(c) The term does not include an establishment known generally as a gas station that is primarily engaged in:

(1) the retail sale of automotive fuels, which may include diesel fuel, ~~gasohol~~, **ethanol blended fuel**, or gasoline; or

(2) the retail sale of automotive fuels, which may include diesel fuel, ~~gasohol~~, **ethanol blended fuel**, or gasoline and activities that may include providing repair service, selling automotive oils, replacement parts, and accessories, or providing food services.

(d) As used in this section, "ethanol blended fuel" has the meaning set forth in IC 6-2.5-7-1(t).

SECTION 8. IC 8-2.1-24-18, AS AMENDED BY P.L.21-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) 49 CFR Parts 40, 375, 380, 382 through 387, 390 through 393, and 395 through 398 are incorporated into Indiana law by reference, and, except as provided in subsections (d), (e), (f), and (g), must be complied with by an interstate and intrastate motor carrier of persons or property throughout Indiana. Intrastate motor carriers subject to compliance reviews under 49 CFR 385 shall be selected according to criteria determined by the superintendent which must include but are not limited to factors such as previous history of violations found in roadside compliance checks and other recorded violations. However, the provisions of 49 CFR 395 that regulate the hours of service of drivers, including requirements for the maintenance of logs, do not apply to a driver of a truck that is registered by the bureau of motor vehicles and used as a farm truck under IC 9-18, or a vehicle operated in intrastate construction or construction related service, or the restoration of public utility services interrupted by an emergency. Except as provided in subsection (i), intrastate motor carriers not operating under authority issued by the United States Department of Transportation shall comply with the requirements of 49 CFR 390.21(b)(3) by registering with the department of state revenue as an intrastate motor carrier and displaying the certification number issued by the department of state revenue preceded by the letters "IN". Except as provided in subsection

(i), all other requirements of 49 CFR 390.21 apply equally to interstate and intrastate motor carriers.

(b) 49 CFR 107 subpart (F) and subpart (G), 171 through 173, 177 through 178, and 180, are incorporated into Indiana law by reference, and every:

- (1) private carrier;
- (2) common carrier;
- (3) contract carrier;
- (4) motor carrier of property, intrastate;
- (5) hazardous material shipper; and
- (6) carrier otherwise exempt under section 3 of this chapter;

must comply with the federal regulations incorporated under this subsection, whether engaged in interstate or intrastate commerce.

(c) Notwithstanding subsection (b), nonspecification bulk and nonbulk packaging, including cargo tank motor vehicles, may be used only if all the following conditions exist:

- (1) The maximum capacity of the vehicle is less than three thousand five hundred (3,500) gallons.
- (2) The shipment of goods is limited to intrastate commerce.
- (3) The vehicle is used only for the purpose of transporting fuel oil, kerosene, diesel fuel, gasoline, ~~gasohol~~, **ethanol blended fuel (as defined in IC 6-2.5-7-1(t))**, or any combination of these substances.

All additional federal standards for the safe transportation of hazardous materials apply until July 1, 2000. After June 30, 2000, the maintenance, inspection, and marking requirements of 49 CFR 173.8 and Part 180 are applicable. In accordance with federal hazardous materials regulations, new or additional nonspecification cargo tank motor vehicles may not be placed in service under this subsection after June 30, 1998.

(d) For the purpose of enforcing this section, only:

- (1) a state police officer or state police motor carrier inspector who:

- (A) has successfully completed a course of instruction approved by the United States Department of Transportation; and

- (B) maintains an acceptable competency level as established by the state police department; or

- (2) an employee of a law enforcement agency who:

- (A) before January 1, 1991, has successfully completed a course of instruction approved by the United States Department of Transportation; and

1 (B) maintains an acceptable competency level as established
2 by the state police department;
3 on the enforcement of 49 CFR, may, upon demand, inspect the
4 books, accounts, papers, records, memoranda, equipment, and
5 premises of any carrier, including a carrier exempt under section
6 3 of this chapter.

7 (e) A person hired before September 1, 1985, who operates a motor
8 vehicle intrastate incidentally to the person's normal employment duties
9 and who is not employed as a chauffeur (as defined in IC 9-13-2-21(a))
10 is exempt from 49 CFR 391 as incorporated by this section.

11 (f) Notwithstanding any provision of 49 CFR 391 to the contrary, a
12 person at least eighteen (18) years of age and less than twenty-one (21)
13 years of age may be employed as a driver to operate a commercial
14 motor vehicle intrastate. However, a person employed under this
15 subsection is not exempt from any other provision of 49 CFR 391.

16 (g) Notwithstanding subsection (a) or (b), the following provisions
17 of 49 CFR do not apply to private carriers of property operated only in
18 intrastate commerce or any carriers of property operated only in
19 intrastate commerce while employed in construction or construction
20 related service:

21 (1) Subpart 391.41(b)(3) as it applies to physical qualifications of
22 a driver who has been diagnosed as an insulin dependent diabetic,
23 if the driver has applied for and been granted an intrastate
24 medical waiver by the bureau of motor vehicles pursuant to this
25 subsection. The same standards and the following procedures
26 shall apply for this waiver whether or not the driver is required to
27 hold a commercial driver's license. An application for the waiver
28 shall be submitted by the driver and completed and signed by a
29 certified endocrinologist or the driver's treating physician
30 attesting that the driver:

31 (A) is not otherwise physically disqualified under Subpart
32 391.41 to operate a motor vehicle, whether or not any
33 additional disqualifying condition results from the diabetic
34 condition, and is not likely to suffer any diminution in driving
35 ability due to the driver's diabetic condition;

36 (B) is free of severe hypoglycemia or hypoglycemia
37 unawareness and has had less than one (1) documented,
38 symptomatic hypoglycemic reaction per month;

39 (C) has demonstrated the ability and willingness to properly
40 monitor and manage the driver's diabetic condition;

41 (D) has agreed to and, to the endocrinologist's or treating
42 physician's knowledge, has carried a source of rapidly

1 absorbable glucose at all times while driving a motor vehicle,
2 has self monitored blood glucose levels one (1) hour before
3 driving and at least once every four (4) hours while driving or
4 on duty before driving using a portable glucose monitoring
5 device equipped with a computerized memory; and

6 (E) has submitted the blood glucose logs from the monitoring
7 device to the endocrinologist or treating physician at the time
8 of the annual medical examination.

9 A copy of the blood glucose logs shall be filed along with the
10 annual statement from the endocrinologist or treating physician
11 with the bureau of motor vehicles for review by the driver
12 licensing medical advisory board established under IC 9-14-4. A
13 copy of the annual statement shall also be provided to the driver's
14 employer for retention in the driver's qualification file, and a copy
15 shall be retained and held by the driver while driving for
16 presentation to an authorized federal, state, or local law
17 enforcement official. Notwithstanding the requirements of this
18 subdivision, the endocrinologist, the treating physician, the
19 advisory board of the bureau of motor vehicles, or the bureau of
20 motor vehicles may, where medical indications warrant, establish
21 a short period for the medical examinations required under this
22 subdivision.

23 (2) Subpart 396.9 as it applies to inspection of vehicles carrying
24 or loaded with a perishable product. However, this exemption
25 does not prohibit a law enforcement officer from stopping these
26 vehicles for an obvious violation that poses an imminent threat of
27 an accident or incident. The exemption is not intended to include
28 refrigerated vehicles loaded with perishables when the
29 refrigeration unit is working.

30 (3) Subpart 396.11 as it applies to driver vehicle inspection
31 reports.

32 (4) Subpart 396.13 as it applies to driver inspection.

33 (h) For purposes of 49 CFR 395.1(l), "planting and harvesting
34 season" refers to the period between January 1 and December 31 of
35 each year. The intrastate commerce exception set forth in 49 CFR
36 395.1(l), as it applies to the transportation of agricultural commodities
37 and farm supplies, is restricted to single vehicles and cargo tank motor
38 vehicles with a capacity of not more than five thousand four hundred
39 (5,400) gallons.

40 (i) The requirements of 49 CFR 390.21 do not apply to an intrastate
41 carrier or a guest operator not engaged in interstate commerce and
42 operating a motor vehicle as a farm vehicle in connection with

1 agricultural pursuits usual and normal to the user's farming operation
 2 or for personal purposes unless the vehicle is operated either part time
 3 or incidentally in the conduct of a commercial enterprise.

4 (j) The superintendent of state police may adopt rules under
 5 IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by
 6 reference under this section."

7 Page 6, after line 42, begin a new paragraph and insert:

8 "SECTION 10. IC 15-15-12-29, AS ADDED BY P.L.2-2008,
 9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2009]: Sec. 29. (a) The council shall pay all expenses incurred
 11 under this chapter with money from the assessments remitted to the
 12 council under this chapter.

13 (b) The council may invest all money the council receives under this
 14 chapter, including gifts or grants that are given for the express purpose
 15 of implementing this chapter, in the same way allowed by law for
 16 public funds.

17 (c) The council may expend money from assessments and from
 18 investment income not needed for expenses for market development,
 19 promotion, and research.

20 (d) The council may not use money received, collected, or accrued
 21 under this chapter for any purpose other than the ~~implementation of~~
 22 **purposes authorized by this chapter. The amount of money**
 23 **expended on administering this chapter in a state fiscal year may**
 24 **not exceed ten percent (10%) of the total amount of assessments,**
 25 **grants, and gifts received by the council in that state fiscal year."**

26 Page 7, line 38, after "32.5." insert "(a)".

27 Page 7, line 38, delete "and each".

28 Page 7, line 39, delete "year thereafter,".

29 Page 7, after line 42, begin a new paragraph and insert:

30 **"(b) On July 1, 2011, and each year thereafter, the council shall**
 31 **transfer to the budget agency for deposit in the retail merchant**
 32 **E85 deduction reimbursement fund established by section 30.5 of**
 33 **this chapter an amount equal to the difference between:**

34 **(1) five hundred thousand dollars (\$500,000); minus**

35 **(2) the balance remaining in the fund on June 30.**

36 **However, the amount transferred under this subsection may not**
 37 **exceed five hundred thousand dollars (\$500,000).**

38 SECTION 13. IC 15-15-12-33, AS ADDED BY P.L.2-2008,
 39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2009]: Sec. 33. (a) If a producer has sold corn and the state
 41 assessment was deducted from the sale price of the corn, the producer
 42 may secure a refund equal to the amount deducted upon filing a written

1 application.

2 (b) A producer's application for a refund under this section must be
3 made to the council not more than one hundred eighty (180) days after
4 the state assessment is deducted from the sale price of the producer's
5 corn.

6 (c) The council shall provide application forms to a first purchaser
7 for purposes of this section upon request and make application forms
8 available on the council's Internet web site. Before July 1, 2009, a first
9 purchaser shall provide an application form to each producer along
10 with each settlement form that shows a deduction. After June 30, 2009,
11 a first purchaser shall make application forms available in plain view
12 at the first purchaser's place of business.

13 (d) Proof that an assessment has been deducted from the sale price
14 of a producer's corn must be attached to each application for a refund
15 submitted under this section by a producer. The proof that an
16 assessment was deducted may be in the form of a duplicate or an
17 original copy of the purchase invoice or settlement sheet from the first
18 purchaser. The ~~claim~~ **refund** form and proof of assessment may be
19 mailed or faxed to the council. The refund form must clearly state how
20 to request a refund, the address where the form may be mailed, and the
21 fax number where the form may be faxed.

22 (e) If a refund is due under this section, the council shall remit the
23 refund to the producer not later than thirty (30) days after the date the
24 producer's **completed** application and proof of assessment are received.

25 SECTION 14. IC 15-15-12-34, AS ADDED BY P.L.2-2008,
26 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2009]: Sec. 34. The checkoff ~~assessment and remittance~~
28 **record refund** form must:

29 ~~(1) be in a format that allows a corn producer to submit the same~~
30 ~~form for an assessment refund;~~

31 ~~(2)~~ **(1)** contain the address and fax number of the location to
32 which the assessment refund form may be sent;

33 ~~(3)~~ **(2)** contain information concerning procedures to claim an
34 assessment refund; and

35 ~~(4)~~ **(3)** contain any other information determined necessary by the
36 council.

37 SECTION 15. IC 15-15-12-35, AS ADDED BY P.L.2-2008,
38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2009]: Sec. 35. (a) A first purchaser shall keep detailed
40 records of all assessments collected and remitted under this chapter for
41 at least three (3) years.

42 (b) Upon request, a first purchaser shall supply the council with any

information from records kept under subsection (a).

(c) The council may periodically audit a first purchaser's checkoff assessment and remittance records kept under subsection (a). An audit must be conducted by:

(1) a qualified public accountant of the council's choosing; **or**

(2) **an auditor who is familiar with the:**

(A) storage;

(B) conditioning;

(C) shipping; and

(D) handling;

of agricultural commodities.

~~and~~ The costs of the audit shall be paid by the council.

SECTION 16. IC 16-44-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The inspections and tests made by the state department under this chapter shall be conducted in accordance with the methods outlined by the American Society for Testing and Materials.

(b) The inspections and tests as to gasoline, ~~gasohol~~, **ethanol blended fuel**, and kerosene must reflect the following minimum specifications necessary for the approval of the product:

(1) Gasoline or ~~gasohol~~: **ethanol blended fuel**:

(A) Corrosion Test – Method ASTM D-130. A clean copper strip may not show more than extremely slight discoloration when submerged in the gasoline for three (3) hours at one hundred twenty-two (122) degrees Fahrenheit.

(B) Distillation Range – Method ASTM D-86. When the thermometer reads one hundred sixty-seven (167) degrees Fahrenheit, not less than ten percent (10%) may be evaporated. When the thermometer reads two hundred eighty-four (284) degrees Fahrenheit, not less than fifty percent (50%) may be evaporated. When the thermometer reads three hundred ninety-two (392) degrees Fahrenheit, not less than ninety percent (90%) may be evaporated. The residue may not exceed two percent (2%). Percent evaporated is found by adding the distillation loss to the amount collected in the receiver at each specification temperature.

(C) Sulphur – Method ASTM D-1266 or D-2622. Sulphur may not exceed twenty-five hundredths of one percent (0.25%).

(D) Vapor Pressure – Method ASTM D-4953, ASTM D-5191, or any other ASTM method to determine vapor pressure approved by the United States Environmental Protection Agency. For gasoline, the Reid vapor pressure at one hundred

- 1 (100) degrees Fahrenheit may not exceed the following:
- 2 (i) Fifteen (15) pounds per square inch at the normal
- 3 barometric pressure at the point of delivery during
- 4 November, December, January, February, and March.
- 5 (ii) Fourteen (14) pounds per square inch during April and
- 6 October.
- 7 (iii) Twelve (12) pounds per square inch during May, June,
- 8 July, August, and September.
- 9 (E) For ~~gasohol (a blend of gasoline and alcohol permitted~~
- 10 ~~under federal tax requirements); ethanol blended fuel~~, the
- 11 vapor pressure may not exceed the following:
- 12 (i) Sixteen (16) pounds per square inch during November,
- 13 December, January, February, and March.
- 14 (ii) Fifteen (15) pounds per square inch during April and
- 15 October.
- 16 (iii) Thirteen (13) pounds per square inch during May, June,
- 17 July, August, and September.
- 18 (F) After July 23, 2004, gasoline may not contain more than
- 19 one-half percent (0.5%) of MTBE by volume.
- 20 (2) Kerosene:
- 21 (A) Flash Test – Method ASTM D-56. Flash point may not be
- 22 lower than one hundred (100) degrees Fahrenheit.
- 23 (B) For the purpose of this chapter, any petroleum product
- 24 designated by name or reference as "kerosene" must meet the
- 25 federal specifications for kerosene VV-K-211d in effect on
- 26 March 1, 1977.
- 27 (c) Gasoline, gasohol, and kerosene products that do not comply
- 28 with the minimum specifications described in subsection (b) may not
- 29 be sold, offered for sale, or used in Indiana.
- 30 (d) Petroleum products other than gasoline, gasohol, or kerosene
- 31 shall be inspected and tested by the methods as are necessary to
- 32 determine the contents and characteristics of the product.
- 33 **(e) As used in this section, "ethanol blended fuel" has the**
- 34 **meaning set forth in IC 6-2.5-7-1(t)."**
- 35 Page 8, delete lines 9 through 11, begin a new paragraph and insert:
- 36 **"(d) "Ethanol blended fuel" refers to any blend of gasoline and**
- 37 **ethanol nominally consisting of less than eighty-five percent (85%)**
- 38 **gasoline and satisfying either of the following:**
- 39 **(1) The blend consists of more than ten percent (10%)**
- 40 **ethanol.**
- 41 **(2) The blend consists of a percentage of ethanol authorized**
- 42 **by at least one (1) of the following:**

- 1 **(A) The Indiana Code.**
- 2 **(B) The United States Code.**
- 3 **(C) A waiver granted under Section 211(f) of the federal**
- 4 **Clean Air Act Amendments of 1977."**

5 Page 8, line 41, after "2009]" insert ".".

6 Re-number all SECTIONS consecutively.

(Reference is to HB 1398 as reprinted February 24, 2009.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Gard, Chairperson